

DETAILED ACTION

Response to Amendment

1. The amendment filed 13 May 2008 canceling claims 10-24 drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicant's presented claim 25-29 are directed to an invention distinct from and independent of the invention previously claimed (**see 37 CFR 1.145 and 37 CFR 1.111**).

Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Newly submitted claims 25-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 25-29 recites the limitation "A mobile station for use in a CDMA mobile communication system including a base station for communicating with the mobile station, wherein in the system, the mobile station starts processing a forward communication signal received from the base station once a forward frame alignment is established, and the base station starts processing a reverse communication signal received from the mobile station once a reverse frame alignment is established, the mobile station measures, once the forward frame alignment is established, an SIR

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of the forward communication signal and generates a first transmission power control command based on the measured SIR, for transmission to the base station, so that the base station carries out transmission power control in accordance with the first transmission power control command transmitted from the mobile station once the reverse frame alignment is established, whereas the base station measures, once the reverse frame alignment is established, an SIR of the reverse communication signal transmitted from the mobile station and generates a second transmission power control command based on the measured SIR, for transmission to the mobile station, so that the mobile station carries out transmission power control in accordance with the second transmission power control command transmitted from the base station once the reverse frame alignment is established". Claims 10-24 filed 11/14/2005 are directed to a communication system comprising a first and second apparatus, the first apparatus comprising a reception and control means to receive transmission power control information and to carry out transmission power control in accordance with transmission power control information.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617